

WP(C) 4899/2007
BEFORE
HON'BLE JUSTICE RANJAN GOGOI

Aggrieved by identical notices of eviction all dated 23.8.2007 on the ground that land covered by Dag No.513 of village Jagun which is Tribal Reserve land/Reserved land/ Government land the petitioners had approached this Court by instituting a writ proceeding registered and numbered as WP(C) No.4450/2007. The said writ petition was closed by order dated 27.8.2007 requiring the petitioners to file their defence highlighting their right to occupy the land in question within a period of three weeks. This Court had also directed personal hearing to be afforded to the petitioners. According to the petitioners, they had filed their defence before the S.D.O., Margherita on 14.9.2007. In the meantime, another set of identical notices dated 31.8.2007 have been issued requiring the petitioners to explain their right to possess the land in their respective possession. The petitioners were required to be personally present before the S.D.O., Margherita to day i.e. 18.9.2007 at 11.00 A.M. It is the aforesaid notices dated 31.8.2007 which have been put to challenge in the present writ petition.

In view of the earlier order dated 27.8.2007 passed by the Court, the notices dated 31.8.2007 will be understood as a reminder to the petitioners to submit their show cause/reply and to appear personally before the S.D.O. on 18.9.2007. Instead of complying with the said notices dated 31.8.2007 the petitioners have approached this Court, once again, merely because the Dag Nos. of the land mentioned in the notices dated 31.8.2007 are different from the notices dated 23.8.2007 and the purpose of the land has been now stated to be reserved for construction of National Highway. The aforesaid two features of the case which are alleged to appear inconsistencies can be agitated by the petitioners before the S.D.O. along with such claims of possession that the petitioners may have. As the petitioners have filed their defence and today is the date fixed for personal appearance of the petitioners before the concerned authority, the Court is of the view that this writ petition need not be entertained. The petitioners shall appear before the S.D.O., Margherita on 27th of September 2007 along with all relevant documents to prove their rights to the land claimed to be in their possession and thereafter the S.D.O. after hearing the petitioners and after consideration of the documents produced by the petitioners will decide the matter in accordance with law.

Till the matter is decided in terms of the present direction, naturally, the petitioners will not be evicted from the land claimed to be presently in their possession.

Writ petition is closed in terms of the above directions.